

## Snohomish County Shoreline Master Program Department of Ecology Comment Summary.

September 2, 2011

<b>Comment # &amp; Topic</b>	<b>Commenter</b>	<b>Specific Comment</b>	<b>Snohomish County Response</b>
1: Long term development impacts	Dorothy Beeman 13913 Kenwanda Drive, Snohomish, WA 98296	Supports County Council adopted SMP “as is”.	Thank you for your comment.
2. AM radio Towers	Dorothy Beeman	AM radio towers visible from house, the towers were constructed in a migratory bird flight zone. Noticed birds have alter flight patterns after towers constructed.	All existing towers were constructed prior to adoption of the new SMP. The new SMP would prevent construction of new towers that had not begun the permitting process prior to mid-October 2010.
3. Agriculture exemption definition	Snohomish County Farm Bureau, Ed Moats, 13906 228 <sup>th</sup> St. NE, Arlington, WA	Does not believe that the draft SMP definition of Agriculture exemptions is inconsistent with the State Shoreline Management Act.	The county agrees with this comment. The proposed language in SCC 30.44.120(1)(e) describing agricultural activities exempt from Shoreline Substantial Development Permit requirements attempts to clarify that some minor alteration of the contours is expected to occur when implementing other exempt agricultural activities.
4. Shoreline restoration & preserving shoreline functions	James Lau Rae, 20225 Bothell-Everett Highway, Bothell,	Supports SMP efforts to preserve shoreline ecological functions and supports restoration.	Thank you for your comment.
5. Periodic 8 year SMP update	James Lau Rae	Updating SMP’s every eight years instead of every 30-40 years is very good.	Thank you for your comment. The update cycle for SMP’s is determined by state statute.
6. Science based buffers	People for Puget Sound Diana Craig, 6705 128 <sup>th</sup> Street. Edmonds, WA	Supports Science based buffers, and recommend that these not be allowed to be reduced, except in hardship	The county’s buffers are the result of review of over 100 scientific studies on buffer width and effectiveness. Buffer width reductions are only

		situations.	allowed for buffer averaging (no loss of total buffer area), reductions for enhancement when buffers have been degraded and are in need of repair, when fencing or separate tracts are established to protect buffers over the longer term, or when there is no buildable area on small single-family lots outside of the buffer (shoreline variance will likely be required in such cases– see SCC 30.67.060(e)).
7. Natural shoreline designation	Diana Craig	Number of areas would like to see designated as Natural including Picnic Point.	All areas of the county were evaluated for potential inclusion in the “Natural” designation. See SMP – Appendix B for the rationale used for those shoreline segments that were included as “Natural” or “Urban Conservancy”. The ecological functions along Picnic Point and the adjacent saltwater shoreline have been significantly disrupted by the BNSF railroad structures. The permanency of the railroad dismisses future expectations for restoration of natural shoreline ecological conditions.
8. Shoreline exemptions	Diana Craig	Exemptions should be reviewed by Snohomish County. Also document and track with letter of exemption.	Snohomish County reviews all development proposals within shoreline jurisdiction to make the determination whether a shoreline permit is required or not. This process is carried out for all permits required by the county. This information can be tracked by our electronic permit information tracking software (AMANDA). When requested, the computer can generate reports for all properties within shoreline jurisdiction.
9. Agricultural Composting	Marv Thomas, 7428 East Lowell Larimer Road Snohomish, WA Agriculture Advisory Board Chair, also sits on	Like to see County adopt agricultural composting part of SMP.	The definition for “agricultural activities” is strictly limited by RCW 90.58.065. Composting as defined and proposed by the Planning Commission (based on the recommendation from the Ag Board) was removed from the proposed SMP by the County

	Marshlands Flood Control Commissioner's Board		Council based on comments from Ecology. Ecology indicated that this level of composting operations exceeds the definition of "agricultural activities".
10. Small composting operations	Marv Thomas	Works with group in support of small composting operations. Feels it's a valuable service to SnoCo small farmers.	Ecology's interpretation was that the level of composting, as proposed by the Planning Commission, exceeds the definition of "agricultural activities" in RCW 90.58.065.
11. SMP organization and structure.	Kristin Kelly, Futurewise, People for Puget Sound, Pilchuck Audubon Society 1429 Avenue D, #532, Snohomish, Washington 98290	Supportive of SnoCo SMP organization and structure.	Thank you for your comment.
12. Uses in Natural and Urban Conservancy Environments	Futurewise	<p>Changes needed to use and modification matrix (SCC 30.67.430 (table 1)):</p> <ul style="list-style-type: none"> <li>- Prohibit/CUP Breakwaters, jetties &amp; groins in Urban Conservancy</li> <li>- Require CUP for shoreline stabilization and flood control projects.</li> </ul>	<p>The changes recommended by Futurewise were not part of the original amendment (amendment #22) considered by Council and therefore cannot be considered as Council's "intent".</p> <p>Breakwaters, jetties and groins are permitted in the Urban Conservancy only when in conjunction with restoration projects. Otherwise they are prohibited. See SCC 30.67.440(5) and 30.67.520(2)(b)(ii).</p> <p>New structural stabilization and flood control measures are allowed only to protect existing structures, infrastructure or designated ag lands. Structural solutions are permitted in all environments when in conjunction with restoration projects. In all other cases, a geotech analysis must document that a structural (as opposed to non-structural) solution is needed. Once documented, structural flood control is permitted (except in</p>

		- Prohibit mobile home parks in natural & Urban Conservancy to be consistent with State SMP guidelines. Page 2	<p>Natural and UC), and structural stabilization is conditionally permitted (except in Natural and UC). See SCC 30.67.440(5), 30.67.540(2) and 30.67.575(2)</p> <p>MHPs are already prohibited in Natural and require a CUP in UC. MHPs provide affordable housing solutions consistent with requirements under GMA and single family use is consistent with the SMA. The CUP will help to ensure that development conditions meet the SMA's ecological standards.</p>
13. Designate additional high quality shorelines Natural	Futurewise	Recommend designating 10 different marine segments as Natural (see comment letter pg.2-3). Current Rural Conservancy designation does not adequately protect these areas.	<p>All areas of the county were evaluated for potential inclusion in the "Natural" designation. See SMP – Appendix B for the rationale used for those shoreline segments that were included as "Natural" or "Urban Conservancy".</p> <p>The Council also reviewed this request during their hearing process and determined that these areas did not meet the criteria for a Natural designation.</p>
14. Water Quality Sec 30.67.350	Futurewise	Recommend additional SMP provision (see comment letter pg.4) for single family residential development that are not required to comply with County Storm water regulations.	<p>Single-family development is not exempt from the county's NPDES requirements. New single-family development in shoreline jurisdiction must, at a minimum, comply with Minimum Requirement 2 to prepare a stormwater pollution prevent plan (SWPPP). All twelve SWPPP elements must be addressed – an abbreviated SWPPP is <i>not</i> allowed for projects within shoreline jurisdiction (SCC 30.63A.810(2)(e)).</p> <p>If over 2,000 square feet of impervious surface will be added and/or replaced, the development must also comply with Minimum Requirements 1</p>

			through 5: 1) stormwater site plan, 2) SWPPP, 3) water pollution source control, 4) preservation of natural drainage systems, and 5) on-site stormwater management,
15. Water Quality Sec 30.67.420	Futurewise	Uses such as manure lagoons should not be allowed in shorelines. If allowed require 3 feet of freeboard above 100 year flood levels. See comments page 4 for recommended standard.	The standards in the proposed SMP are the same as the currently adopted standards for manure lagoons. New manure lagoons are not allowed in the CMZ (SCC 30.62B.330(3)). They are allowed in other 100-year floodplain areas: the floodway, floodway fringe and the density fringe.
16. Piers & Docks	Futurewise	SCC 30.67.515 (1) (k) (vi) should only allow piers and docks for water dependent uses or public access. Eliminate reference to motels and multi-family residences in regulation. Add new environment use limit to SCC 30.67.515 (2). (see comment letter, pg. 4-5)	<p>The cited provision refers to “moorage facilities” proposed in conjunction with new subdivisions, motels or multi-family development and does not use the more broadly interpreted terms “docks and piers”. The term “moorage” is specific to boats and planes and is consistent with the guidelines (WAC 173-26-241(3)(c)) requiring “water-dependence”.</p> <p>As written, the recommended language is not consistent with WAC 173-26-231(3)(b) or 173-26-241(3)(c). Suggested changes:</p> <p>All environments: New <del>boating facilities docks and piers</del> are prohibited for any purpose other than for water dependent uses, to provide public access to the water, or for a dock associated with a single family residence when it is designed and intended as a facility for access to watercraft. <del>Other uses or purposes desiring boating facilities, including residences on non waterfront lots, shall use approved marinas or similar multi-user facilities.</del></p>

			<p>The last phrase of the proposed language should be struck because new boating facilities are allowed in their own right as a water-dependent use.</p> <p>Development of a boating facility does not need to be accessory to a separate water-dependent use. (WAC 173-26-241(3)(c)).</p>
17. Boating Facilities	Future wise	Applicability of boating facilities regulations should be expanded to include docks & piers for non-boating purposes. Pages 5-6	Docks and piers (boating or otherwise) are regulated under section 30.67.515(1)(k)(i)-(vi). If the primary use is something other than boating, the requirements for recreation, commercial, industrial or public access, etc. would apply.
18. Boating Facilities	Future wise	Supports preference for mooring buoys and shared facilities before allowing new docks, but SMP needs more specific criteria to implement preference for shared facilities (SCC 30.67.515 (1) (k) (vii)). (see recommend standard, page 6)	<p>The proposed language is more restrictive than the provisions in WAC 173-26-231(3)(b) which gives a fair amount of flexibility for new docks associated with sfrs. There is greater opportunity for shared facilities when developing new residential lots. Shared facilities are required whenever feasible per SCC 30.62A.330(2)(f)(iv).</p> <p>Multi-purpose facilities (moorage, launching, etc) may be more efficient and have less impact than requiring separate facilities.</p>
19. Boating Facilities	Future wise	Prohibit private boat ramps in SCC 30.67.515(1) (j). Page 6	This seems to go beyond the intent of the SMA to support water dependent uses and the preference for single-family development. This would be particularly problematic for waters with no access to public boat ramps.
20. Boating Facilities	Future wise	SCC 30.67.515 (l) require placement of boathouses outside buffers. Only allow in hardship cases. 1000 sq ft size allowance too liberal a standard. Page 6	Boat houses provide protection from the elements during inclement weather and seasons for expensive water-dependent equipment. Size restrictions would limit the protection available for

			<p>larger boats and potentially for covered boat storage in marinas. The boat house provisions refer to over water structures. New boat houses above the OHWM are not an allowed use in the buffer per SCC 30.62A.320.</p> <p>Mitigation for impacts associated with new boat house would be required per SCC 30.62A.310 and .330(2)</p>
20. Boating Facilities	Future wise	Include compensatory mitigation requirements for boating facility impacts	Mitigation would be required per SCC 30.62A.310. A mitigation plan is required per SCC 30.62A.140(10).
21. Vegetation Management and Buffers	Future wise	Support Science based buffers in CAO and vegetation mgt. standards. Pg. 6-7	Thank you for your comment.
22. Vegetation Management and Buffers	Future wise	Gaps allowing degraded buffers to remain in degraded state. See enclosed buffer guidance. Page 7	The standard is "no net loss" of existing functions. Restoration can be encouraged but not required unless directly linked to mitigation for new impacts.
23. Vegetation Management and Buffers	Future wise	<p>CAO allowances for new development without provided buffer mitigation for degraded on no existing buffers. Delete referenced standard from SMP CAO (See comment letter page 7-8).</p> <p>-Apply buffer reductions only to hardship</p> <p>-New development should be required to restore degraded buffer conditions.</p>	<p>The standard is "no net loss" of existing functions. Restoration can be encouraged but not required unless directly linked to mitigation for new impacts.</p> <p>Buffer reductions are not allowed outright without requiring other mitigating factors to ensure temporal longevity of the buffer (separate tracts, fencing) and/or enhancement of vegetation for degraded buffers.</p>
24. Vegetation Management and Buffers	Future wise	Delete CAR section 30.62A.510 (3) (g) which allows the elimination of wetlands smaller than 5000 sq. ft. Page 8	30.62A.510(1) requires that all minor development activities allowed in .510(3) be subject to BMPs and AKART to minimize and mitigate impacts to critical area functions and values.

25. Vegetation Management and Buffers	Future wise	Support CAO changes that don't allow single family houses in buffers on lots created before 2007. Restriction should also apply to non residential development. Page 8	The allowance to build a new structure in the buffer applies <i>only</i> to sfr or appurtenances provided the lot was platted prior to 2007. This allowance does not extend to non-sfr development, so since non-sfr can't be build anyway it makes no sense to require buffer enhancement when new impacts are not being created.
26.Floodplains & channel migration zones	Future wise	Delete section SCC 30.67.540 (1) (b) (ii) which allows flood protection for restoration through an exemption. Page 8	<p>Restoration activities are only exempt from SSDPs when they meet the definition in RCW 89.08.460. They are not exempt from the requirements under the SMA – only from the SSDP.</p> <p>SCC 30.67.440(11) Structural flood protection and structural shoreline or bank stabilization measures are allowed only when non-structural measures would be inadequate as documented by a geotechnical report required pursuant to SCC 30.67.540(1) or 30.67.575(1). If a flood protection structure is in or near the water, it must also meet the requirements for shoreline stabilization.</p> <p>The provisions for flood protection structures are consistent with WAC 173-26-221(3)(c).</p>
27. Aquaculture	Future wise	Adopt recent SMP guideline changes for geoduck aquaculture. Page 9	Ecology had not adopted the new aquaculture guidelines prior to County Council action.
28. Aquaculture	Future wise	Aquaculture operations (harvest, facilities and processing) should be better defined within the SMP. Page 9	Ecology had not adopted the new aquaculture guidelines prior to County Council action.
29. Aquaculture	Future wise	Recommend compensatory mitigation plan be required for any aquaculture facility proposals. Page 9	Ecology had not adopted the new aquaculture guidelines prior to County Council action.
30. Shoreline Exemption	Future wise	SMP needs to require review of permit exempt activities for SMP compliance.	All development proposals in shoreline jurisdiction are reviewed for compliance with SMP permit



review process		See comment letter page 9-10 for specific issues.	requirements. When no shoreline permit is required, conditions are attached to other permits (grading, construction, etc.) as necessary to meet the shoreline requirements. These conditions are recorded in AMANDA.
31. Shoreline Exemption review process	Future wise	Require letters of exemption for all shoreline exempt activities. Page 10	<p>The necessary review is completed to determine if a project needs a permit and if the project otherwise complies with the SMP even when no shoreline permit is required. The county does not write letters of exemption for any permits unless – in the case of shorelines - when necessary for the ACEs or when requested by the landowner (usually to satisfy lending institutions).</p> <p>The purpose behind the proposed exemption letter is already met with the review, paperwork and documentation necessary to process and issue non-shoreline permits required for SSDP-exempt actions.</p>
32. Shoreline Exemption review process	Future wise	Require submittal requirements in SCC 30.44.205 for all shoreline development including exempt activities. (see comments page 10 for recommend language)	Submittal requirements are linked to permit requirements. Even when no shoreline permit is required, submittal requirements would apply as long as another permit is required (flood hazard, LDA, construction, etc.)
33. Shoreline designations & mapping Issues	Future wise	Incorporate SMP standard that recognizes all County shorelands and adopts shoreline designation maps or specific segment list. Page 11	The SMP maps are adopted by ordinance as part of the SMP – see Ord. No. 10-058, section 6 and SCC 30.67.030. See also new definitions in SCC 30.91S.XXX “shorelands” and 30.91S.XXX “shoreline jurisdiction” in adopting ordinance (page 131, 133).
34. Shoreline designations & mapping Issues	Future wise	SCC 30.67.210 is contrary to the Shoreline Management Act. Page 11	This section was inserted to apply jurisdictional authority in case of map errors and environmental changes/adjustments. The incompleteness of

			mapping of associated wetlands is also an issue.
35. Shoreline designations & mapping Issues	Future wise	Specific shoreline environment maps need to be referenced in SCC 30.67.220. And should only be subject to change via an SMP amendment. Page 11	This section was inserted to apply jurisdictional authority in case of map errors. Map amendment requirements must follow state law even if not explicitly stated in SCC 30.67.
36. Shoreline designations & mapping Issues	Future wise	SCC 30.67.220., Par.1; change to indicate that criteria were used to create the official map. Page 11	This is stated in the SMP, Section 2.2. The policy document gives a more detailed description of how the maps were created.
37. Shoreline designations & mapping Issues	Future wise	SCC 30.67.220., Par.3: Use other key features to describe the shoreline environment boundaries besides transportation features. Page 11	The adopted maps do rely on other features to determine boundaries.
38. Shoreline designations & mapping Issues	Future wise	SCC 30.67.220., Par.4: State that vacation of right of way does not alter shoreline environment boundaries. Page 11	See SCC 30.67.220(4).
39. Statutory Exemptions	Tim Hyatt, Skagit River System Cooperative, 11426 Moorage Way P.O. Box 368 La Conner, WA 98257	Will be difficult for the proposed SMP to achieve no net loss of ecological functions under the current exemptions outlined in SCC 30.44.120.  Exemptions could be conditioned to address environmental protection.	These exemptions are essentially verbatim from WAC 173-27-040. This is an exemption from a shoreline substantial development permit – NOT an exemption from the standards in the SMA and the SMP.  See first phrase in SCC 30.44.120(1).
40. Statutory Exemptions	Skagit River System Cooperative	SCC 30.44.120 (b) Normal maintenance & repair. Concerned that exemption is used too often for complete rebuilds of structures such as bulkheads. Recommends standard that substantial repairs must obtain a SDP permit.	This exemption is essentially verbatim from WAC 173-27-040(2)(b).  Even when permits not required, shoreline modifications must meet SMP standards (for bulkhead rebuilds, see SCC 30.67.575(1)(d)(v)(C) and 30.91N.095.
41. Statutory Exemptions	Skagit River System Cooperative	SCC 30.44.120 (c) recommends that bulkhead exemption include similar	Even when permits not required, shoreline modifications must meet SMP standards (for

		stringent rules for bank stabilization under SCC 30.67.575.	bulkhead rebuilds, see SCC 30.67.575(1)(d)(v)(C)
42. Statutory Exemptions	Skagit River System Cooperative	SCC 30.44.120 (e) a blanket exemption for Agriculture makes it difficult to regulate harmful practices to shoreline functions. Broad exemption doesn't allow County staff to condition more harmful agricultural activities.	On-going agriculture is exempt from regulation under the SMA per RCW 90.58.065. The permit exemption in SCC 30.44.120(1)(e) exempts new agricultural activities in shoreline jurisdiction from an SSDP but does <i>not</i> exempt them from compliance with the policies and provisions of the SMA and the SMP. See first phrase in SCC 30.44.120(1).
43. Bank Stabilization	Skagit River System Cooperative	SCC 30.67.575 Bank stabilization: ignores maintenance and repair of existing stabilization structures. Allows nonconforming structures to be rebuilt.	Normal maintenance or repair is allowed – 30.67.575(1)(a). Replacement structures are conditioned according to 30.67.575(1)(d)(v)(C). Replacement of structures does not create <i>new</i> ecological impacts and may result in better ecological conditions if newer standards can be applied (ie., greater setback, non-structural options, fish-friendly guidelines, etc.)
44. Flood Protection	Skagit River System Cooperative	SCC 30.67.540 allows levees to be built to protect farmland without providing details of what needs protection. SMP farmland policies appear at odds with Flood protection and shoreline mgt.	SCC 30.67.540(1)(b) allows new structural flood control to protect “designated farmland” – not just farms in general. “Designated farmlands” are mapped on the counties comp plan map and none exists along the Sauk.
45. Sauk River Environment Designations	Skagit River System Cooperative	Rural Conservancy designation near Darrington does not protect Sauk River from development. Many of these areas are in commercial forest land. Recommend that designation be changed to Natural.	These areas did not meet the criteria for designation as Natural or Resource.  New development along the Sauk will be severely limited due to the prohibition on new residential structures within the CMZ (SCC 30.62B.330).
46. Environment Designations	Skagit River System Cooperative	Rural Conservancy Environment may be misnomer. Designation allows residential development and flood	Residential development is allowed in the Rural Conservancy environment. This is a priority use under the SMA – RCW 90.58.020.

		protection measures to protect the development.	However, new flood protection and bank stabilization is <i>not</i> allowed for the protection of <i>new</i> development; only allowed when needed to protect existing structures. (see 30.67.575(1)(b)(i)(A)).
47.Natural Shorelines	Gary Albright, Senior Engineering Technician Wildlife Computers - "Innovative Tags for Innovative research" 8345 154th Ave NE, Redmond, WA, 98052	Balance the rights of property owners who own natural shorelines with the need to protect these natural shorelines.	There are many options available for landowners to use their shoreline properties. The standards for development are sensitive to protection of property rights and protection for the existing ecological functions.
48. State Parks Shoreline Environment Designations.	Daniel B. Farber, NW Region Capital Program Manager, Washington State Parks Recreation & Commission 220 North Walnut Street Burlington, WA 98233	Inconsistencies between the County's inventory of State Parks land and State Parks inventory. Some State Parks lands are also identified as Federal lands.	The county will update our state and federal map coverages.
49. Shoreline Environment Designations.	Washington State Parks Recreation & Commission	Designate all State Parks lands as Rural Conservancy. Proposed Resource and Natural designations are inconsistent with State Parks mission & holdings. See provided GIS shape files for mapping information.	The Resource and Natural designations only apply within shoreline jurisdiction – typically within 200 feet of the ordinary high water mark when applied to state-owned lands in the eastern portion of the county where floodplain/floodway areas are narrow. The State Parks mission and holdings should be consistent with the SMA, not the other way around (see RCW 90.58.280).
50. Picnic Point Shoreline environment	Joan Smith 14106 64 <sup>th</sup> Ave. W. Edmonds, WA 98026	"Urban" designation assigned to the Unincorporated area from north of Picnic Point County Park to south of	This area does not meet the criteria for designation as Natural or Urban Conservancy. The railroad structures significantly impact the ecological

designation.		Meadowdale County Park. <i>Urban</i> is not restrictive enough to protect this shoreline of the Puget Sound. Area is mainly undeveloped forest with steep unstable bluffs. Recommends a Natural designation for this area and Urban Conservancy for Picnic Point Park and Norma Beach.	<p>functions and the likelihood of restoration of these functions (ie., removal of the railroad tracks) is nearly zero.</p> <p>However, the steep bluffs along Puget Sound are protected under our critical area regulations. These bluffs are well known as landslide hazard areas and any proposed development on or near the bluffs will require extensive geotechnical analysis. These steep slopes are protected by the provisions in SCC 30.62B.320 and .340.</p>
51. Non-conforming Structures	Robert Clark, VP Snohomish County Chapter: Citizen's Alliance for Property Rights The Circle KB Ranch 26309 Old Owen Road Monroe, WA 98272	Against regulations that classify any structure within 130 (150) feet of water body as nonconforming. Will be challenged by legal system.	<p>Structures that do not meet current bulk requirements are legally considered nonconforming structures. SSB 5451 (effective 7/22/2011) allows, but does not require, local SMPs to consider existing residences and appurtenant structures as conforming even if they don't meet current bulk standards in the SMP.</p> <p>The current buffer requirements for riparian areas adjacent to rivers come from the county's critical area regulations in SCC 30.62A.320 adopted in 2007.</p>
52. On-Site Septic Systems	Bill Best, Stillaguamish Watershed Council & Stillaguamish River Clean District Advisory Board	Enforcement actions are needed to bring non-responsive property owners into compliance with current septic system rules. Lots platted under old rules may simply be unable to meet current OSS requirements.	The state Department of Health is the agency overseeing OSS requirements. This is outside of the scope and authority of the SMA.
53. Water Quality	Bill Best	Unregulated cattle and horse operations are causing fecal coliform water quality impacts. Hundreds of cattle and horses have direct access to Stilly basin streams	The SMA does not regulate on-going agricultural activities. The SMP does not have the authority to require these BMPs.

		rivers and wetlands. Recommends State level BMPs for all livestock operations.	Suggest seeking assistance from the local conservation district to develop livestock and manure management plans.
54. Bank Armoring	Bill Best	Bank armoring is increasing in the Stilly watershed, and on Puget Sound. This creates significant habitat loss and contradicts Salmon recovery goals.	New bank armoring under the proposed SMP is strictly limited – see SCC 30.67.575
55. Public Access	Bill Best	Significant lack of restrooms and disposal facilities at many public access points in Stillaguamish watershed.	This is a site management issue for the provider of the public access (ie., State Parks and Recreation, state Dept. of Fish and Wildlife, county parks, etc.).
56: Trash in Shorelines	Bill Best	Expansion of enforcement of anti-litter laws is needed in Stilly basin as well as disposal facilities at recreation access points.	This is a site management issue for the provider of the public access (ie., State Parks and Recreation, state Dept. of Wildlife, county parks, etc.).  Enforcement is subject to observing the infraction or being able to trace the dumped materials back to the source.
57. SMP	Peggy Toepel, Pres., Everett Shorelines Coalition, P.O. Box 13288 Everett, WA 98206	Most SMP provisions in the update preserve, or improve upon, the shoreline protections provided in the County's previous SMP.	Thank you for your comment.
58. Qualification for Exemption	Peggy Toepel	<u>Concern #1:</u> Qualification for shoreline permit exemptions is needed as outlined in Futurewise comments. Should include exemption record and applicable conditions. Also strengthened requirements for claimed exceptions, to lessen shoreline impacts.	All development proposals in shoreline jurisdiction are reviewed for compliance with SMP permit requirements. When no shoreline permit is required, conditions are attached to other permits (grading, construction, etc.) as necessary to meet the shoreline requirements. These conditions are recorded in AMANDA.  The necessary review is completed to determine if a project needs a permit and if the project otherwise complies with the SMP even when no shoreline permit is required.

59. Criteria for Intensity of Use	Peggy Toepel	<u>Concern #2:</u> Coalition supports inclusion of Intensity of proposed use as a criterion for allowable use, within County designated Urban Conservancy areas.	The permitting of allowed uses in the Urban Conservancy does include consideration of land use intensity. For example, many uses permitted in the Urban environment are either not allowed or require a shoreline conditional use permit if proposed in the Urban Conservancy. See use matrix in SCC 30.67.430 to compare the allowed uses in the shoreline environment designations.
60. Incomplete Provisions for Multi-user Boating Facilities	Peggy Toepel	<u>Concern #3:</u> SMP does not address ecological protection concerns inherent in “shared” non-conforming <i>de facto</i> seasonal boat moorage/launch/maintenance/repair sites.	<p>Discharge of pollutants into waters of the state is regulated under the Clean Water Act.</p> <p>The proposed SMP does not permit houseboats or live-aboard vessels outside of approved marinas. (SCC 30.67.570(2)(g)).</p> <p>Moorage on waters of the state is subject to permit/lease requirements with the state Department of Natural Resources (WAC 173-26-241(3)(c)(viii)).</p>
61. Criteria for Shoreline Restoration Project Priorities and ‘Mitigation’	Peggy Toepel	<u>Concern #4:</u> Mitigation criteria are needed governing use and use-mitigation priorities where restoration of shoreline “Water Resource” functions are proposed in place of shoreline “Resource Land.	<p>This is not a requirement under the SMA and therefore not addressed in the SMP.</p> <p>However, the county is actively working to address the issue of competing resource needs through the Sustainable Lands Strategy.</p>
62. Vulnerable Shoreline Function in Areas mapped as “URBAN” Designation	Peggy Toepel	<u>Concern #5:</u> no valid rationale for County applying an Urban designation to healthy-functioning Puget Sound shorelines in unincorporated SW Snohomish County, such as Meadowdale Park, Picnic Point. These shorelines should be mapped Urban Conservancy.	The railroad structures significantly impact the riparian and sediment functions along the Puget Sound shoreline. It is extremely unlikely that these functions will be restored. Therefore, these areas do not meet the criteria for Urban Conservancy.

63. Composting	Peter Moon, P.E. President , O2 Compost P.O. Box 1026 Snohomish, WA 98291	Supports composting on agricultural land in Snohomish County. Especially decentralized farm based facilities.	The SMA exempts on-going agriculture from regulation. On-site farm-based operations where materials are generated, composted and re-used all on the same farm would be considered as an “agricultural activity”.
64. Composting	Peter Moon	Recommend adding “Composting” to SMP definition of “Agricultural activities” (SCC 30.91A.092).	The definition of “agricultural activities” is determined by state law, RCW 90.58.065. Composting as defined for commercial enterprise exceeds the intent of the state’s definition.
65. Composting	John Misich, Riverside Topsoil 7115 Lowell Snohomish Road, Snohomish, WA 98296	Recommends adding composting to the SMP list of approved - permitted agricultural practices.	On-site farm-based operations where materials are generated, composted and re-used all on the same farm would be considered as an “agricultural activity”.  The definition of “agricultural activities” is determined by state law, RCW 90.58.065. Composting as defined for commercial enterprise exceeds the intent of the state’s definition.
66. AM radio towers	Albert Highberger 14007 Kenwanda Road Snohomish, WA 98296	Supports SMP provision prohibiting AM radio towers unless fully approved by October 13, 2010. AM towers don’t constitute a water depend /oriented use.	Thank you for your comment.  Please note: the Oct. 13, 2010 date refers to complete applications for all permits and approvals – it does not require that the facilities have received final approval by that date. This is consistent with state vesting laws.
67. AM radio towers	Albert Highberger	AM radio towers are not considered Utilities under the current County SMP.	AM radio towers are explicitly addressed in the proposed SMP.
68. AM radio towers	James Tupper Tupper/Mack/Jensen/Wells PLLC 2025 First Avenue, Suite 1100 Seattle, WA 98121	County Council SMP amendment 30B prohibits AM radio towers in shoreline jurisdiction. This may result in the inability to replace current facilities or phasing out.	The adopted amendment allows for the reconstruction/repair/replacement of existing radio towers. Existing towers have been declared as conforming uses under the SMP for this purpose to discourage intentional damage to radio facilities as a means to permanently remove them from the



			valley. (SCC 30.67.595(1)(b)(vii))
69. AM radio towers	James Tupper Tupper/Mack/Jensen/Wells	S-R broadcasting objects to this AM radio tower shoreline prohibition on grounds of Snohomish County's lack of meeting SMA public participation requirements.	<p>This proposed amendment was made during the Council's public hearing process. The public had the opportunity to comment in writing or in person at two public hearings held by the council.</p> <p>It should also be noted that this topic was discussed extensively during the development of the proposed SMP by the Shoreline Advisory Committee and the Planning Commission during initial hearings in 2006.</p>
70. AM radio towers	James Tupper Tupper/Mack/Jensen/Wells	Department of Ecology should closely consider this AM radio transmitter prohibition. AM radio towers are dependent upon shoreline and floodplain locations for transmission. Ecology should consider Statewide implications of this prohibition. <u>Ecology follow-up needed</u>	<p>Ecology has received conflicting testimony that floodplains and shoreline areas are not required to achieve signal propagation for AM radio transmissions – the wet soils help but soil mineral content may actually be more important.</p> <p>Testimony was also provided by the proponents of AM radio towers that the band width for AM broadcasting was now full and new stations/towers would not be proposed. If new stations and towers are not viable options because of FCC restrictions and engineering principals this prohibition fails to have an impact at all let alone a statewide impact.</p>
71. AM radio towers	James Tupper Tupper/Mack/Jensen/Wells	Snohomish County failed to meet SMA public participation requirements WAC 173-26-100 (1) and County requirements (SCC 30.73.010 in regards to SMP amendment 30B.	Amendment 30B was within the scope of the amendments considered during the Council's public testimony and comment period. 30B is actually less restrictive/more permissive for towers than the original amendment 30 or the first alternate 30A. Snohomish County met all state and local requirements for public participation.
72. AM radio towers	James Tupper Tupper/Mack/Jensen/Wells	AM radio is a critical communication link during regional catastrophic events	Amendment 30B does not render existing facilities as useless. They may be used, maintained, repaired

		(earthquakes, floods) and provides an essential public service during emergencies.	reconfigured and replaced as conforming shoreline uses.
73. AM radio towers	James Tupper Tupper/Mack/Jensen/Wells	Ecology should reject Amendment 30B on absence of public notice and consequences of prohibiting AM radio transmitters in shoreline jurisdiction. <u>Ecology follow-up needed</u>	Public notice requirements were satisfied. Based on the testimony provided, prohibition of new towers will have minimal if any consequences.
74. March 12, 2010 SMP comment letter issues	Tulalip Tribes 6406 Marine Drive Tulalip, WA 98271	<p>(1) SMP cumulative impacts and sfr bulkheads</p> <p>(2) Shoreline Restoration – inventory of baseline ecological conditions and demonstration project to showcase bioengineering solutions.</p> <p>See June 1, 2011 comment letter Page 2 &amp; exhibit 2 (March 12, 2010 letter).</p> <p>(Other issues from the March 12, 2010 letter are covered in June 1, 2011 comment letter and addressed below)</p>	<p>(1) The purpose of the Cumulative Impact Analysis, required under WAC 173-26-186, is to assess the cumulative impacts of potential future development under the new SMP proposal. Its purpose is not to assess impacts of past development (i.e. bulkheads). However, the existing marine shoreline bulkheads were inventoried in the <i>Summary of Shoreline Ecological Functions and Conditions in Snohomish County</i>. The requirement to meet a “no net loss” standard does not apply to impacts caused by existing structures when compared to a pristine environment. The “no net loss” standard is a requirement for the new SMP based on exiting ecological conditions. Bulkheads associated with protection for single family structures are exempt from SSDP requirements and allowed under the SMA as needed to protect existing structures. The proposed SMP strictly limits new bulkheads associated with new sfr structures consistent with WAC 173-26-231.</p> <p>(2) The county did conduct an inventory of shorelines including natural and manmade conditions as well as existing intact or impaired</p>

			<p>ecological functions. The required cycle for review of shoreline plans is every eight years.</p> <p>The county conducts several restoration projects every year as demonstrated in the <i>Restoration Element</i>. The suggested demonstration project has not been included in the current 6-year CIP.</p>
75 Tribal Recognition within SMP	Tulalip Tribes	<p>Snohomish County SMP fails to acknowledge the Tulalip Indian Reservation and Tulalip Tribal Government. This does not reflect the cooperative government to government relationship established in the 1998 MOU. See recommended additions on Page 3.</p>	<p>The county has been and currently is working with the tribes to update the MOU and resolve issues related to salmon habitat restoration and preserving agricultural lands.</p> <p>With the exception of the issue over tidelands in the tribes' recommendation #2 (see further discussion below), adding the proposed language in recommendations #1, 2 and 3 is supported by the county.</p> <p>In addition, the county will identify the Tulalip Indian Reservation on the shoreline maps.</p>
76. Tulalip Reservation Tidelands designation.	Tulalip Tribes	<p>SMP is deficient in erroneously designating Tulalip Reservation Tidelands. Page 3-4</p>	<p>Based on county parcel and ownership data, including parcel legal descriptions that extend out over the tidelands, the county SMP maps accurately portray jurisdictional authority over tidelands on the Tulalip Indian Reservations for purposes of compliance with the SMA.</p> <p>Resolution of the accuracy of the current parcel legal descriptions is an issue between the landowners and the tribes and is outside of the scope of the SMA. The county's SMP and shoreline maps will be updated as necessary once the ownership dispute between the tribes and the landowners has been resolved.</p>

77. Tulalip Reservation Tidelands designation.	Tulalip Tribes	Tulalip Reservation tideland ownership adjacent to nontribal member fee lots needs to be recognized within SMP. Page 3-5.	Tidelands within the boundaries of the Tulalip Indian Reservation and lying outside of parcel legal descriptions for non-tribal properties are under tribal jurisdiction. The county will review the maps and parcel data to ensure accurate depiction of tideland jurisdiction and add the disclaimer requested under # 82 below.
78. SMP jurisdiction mapping	Tulalip Tribes	SMP jurisdiction over tribally owned tidelands is incorrect. SMP fails to recognize Tribal authority over Reservation tidelands. Page 3-5	See responses #76 and #77.
79. Permitting: tideland ownership	Tulalip Tribes	SMP inconsistent with County's practice of recognizing tribal tideland ownership through work corridor permits. Page 5	See responses #76 and #77.
80. tideland recommendations	Tulalip Tribes	SMP should provide Tribal tideland definition. See recommendation #1 page 5.	See responses #76 and #77.
81. Tideland recommendations	Tulalip Tribes	Setback aquatic lands designation adjoining Tulalip Reservation. See recommendation #2 page 5.	See response #77
82. Tideland recommendations	Tulalip Tribes	SMP map disclaimer needed to recognize tribal trust land and tidelands. See recommendation #3 page 5.	See response #77
83. Tideland recommendations	Tulalip Tribes	County require marine water line surveys for reservation in-holdings shoreline permits that may overlap on Tulalip Reservation tidelands. See recommendation #4, page 5.	The county is currently working on an MOU with the tribes addressing common permitting concerns and processes. The MOU will not be limited to permitting issues in shoreline jurisdiction. Improved consultation and resolution of the tribes concerns should occur through this MOU process.
84. Cultural, archaeological & historic element	Tulalip Tribes	Develop policies to require additional measures to better locate, identify and protect tribal cultural archaeological	The county is currently working on an MOU with the tribes addressing cultural and archaeological resources. The MOU will address these issues at a

		shoreline resources. See policy recommendations, pg. 6 comment letter.	countywide level, not limited to shoreline jurisdiction. Improved consultation and resolution of the tribes concerns should occur through this MOU process.
85. Cultural, archaeological & historic element	Tulalip Tribes	See comment letter page 6-7, for recommended regulations for SMP part 300 cultural, archaeological & historic resources.	See response #84.
86. Critical Area buffer reductions; Small lot exception	Tulalip Tribes	Support Ecology requirement for a shoreline variance for single family structures on small lots within marine buffers (SCC 30.67.060 (2) (e) (i) (ii) as already adopted by County Council. Addresses CAO comment in March 12, 2010 comment letter. Page 7	Thank you for your comment.
87. Salmon Recovery and the Sustainable Lands Strategy.	Tulalip Tribes	Salmon Recovery and the Sustainable Lands Strategy could be coordinated with the County's SMP permit review process. Page 7-8.	Recommendations from the SLS process will eventually be incorporated into evaluation of agricultural development and restoration proposals whether an SMP permit is required or not. It is too early in the SLS process for any recommendations to have yet been developed.
88. Shorelines of Statewide Significance	Citizens for Sustainable Development 19916 Old Owen Road Box 220 Monroe, WA 98272	SMP does not provide adequate protections for Shorelines of Statewide Significance. Page 2	The SMP contains adequate provisions for all shorelines. In addition to the provisions cited in the comments, most shorelines of statewide significance are designated Resource and protected by zoning standards that require large lots of 10 acres or more and limit uses.
89. Shorelines of Statewide Significance	Citizens for Sustainable Development	SMP doesn't contain provisions to adequately protect ESA listed salmonids in Shorelines of Statewide Significance. Page 3	The SMP incorporates the county's CAO, the provisions of which are based the county's BAS which in turn is based on analysis of over 100 studies, reports and recommendations. The provisions in the CAO are consistent with the <i>Policy of Washington Department of Fish and</i>

			<i>Wildlife and Western Washington Treaty Tribes Concerning Wild Salmonids.</i> These CAO provisions apply to all salmonid bearing waters in the county including shorelines of statewide significance, shorelines and non-shoreline waters.
90. Shorelines of Statewide Significance	Citizens for Sustainable Development	SMP table 6 footnote #9: Provision creates agricultural buffers of different widths but ignores Shorelines of Statewide Significance. Page 4	<p>This is an erroneous conclusion based on misinterpretation and misunderstanding of the provisions in the proposed SMP and/or the state statute.</p> <p>This table summarizes existing buffer requirements for agricultural activities based on location – for ag and rural designated lands, chapter 30.62 SCC applies instead of chapter 30.62A SCC. Once adopted the SMP will rely only on chapter 30.62A where shoreline buffers are 150 feet.</p>
91. Shorelines of Statewide Significance	Citizens for Sustainable Development	SMP buffer widths for Shorelines of Statewide Significance should be increased; prohibit hazardous activities require variances and CUP permits. Pg. 5	<p>There is no scientific evidence that bigger rivers need bigger buffers – in fact smaller rivers are more sensitive to changes in the riparian ecology and functions than are bigger rivers.</p> <p>Hazardous activities are prohibited in all shoreline areas (30.67.420); CUPs are required depending on the type of activity/use and its potential for ecological impacts and on the degree of sensitivity of the shoreline environment regardless of waterbody size; variances are only required for bulk standards.</p>
92. Shorelines of Statewide Significance	Citizens for Sustainable Development	SMP Sec 3.1.2.3: justifies decreased shoreline protection instead of increased shoreline protection. Page 5	<p>This is an erroneous conclusion based on misinterpretation and misunderstanding of the provisions in the proposed SMP and/or the state statute.</p> <p>The proposed SMP seeks to balance the goals of the SMA to support water-dependent uses and public access to shorelines with ecological</p>

			protection standards to achieve “no net loss”. When development activities are supported by the SMA, some degree of impacts may be unavoidable and regulations alone may not be able to achieve “no net loss” but will at least seek to minimize and mitigate impacts. To fully achieve “no net loss”, unavoidable impacts can be offset through restoration.
93. Shorelines of Statewide Significance	Citizens for Sustainable Development	SMP makes no effort to address RCW 90.58.020 (3) & (4). Page 5	The proposed SMP seeks to balance the goals of the SMA to support water-dependent uses and public access to shorelines with ecological protection standards to achieve “no net loss”. There are several other provisions within this section of the state law and all must be addressed – not just (3) and (4).
94. SMP lack of addressing NMFS Biological Opinion (BiOp)	Citizens for Sustainable Development	SMA requires Snohomish County to utilize all available information to develop the SMP. SMP ignores NMFS endangered salmonids data. Page 5	The requirement to use “all available information” is qualified by the statement, “shall to the extent feasible”.  The Bi-Op was published late in the process for developing the county’s SMP. While the Bi-Op is not specifically cited as part of the bibliographic materials in the shoreline record, many of the same documents relied upon by the Bi-Op authors were used by the county to develop the BAS, which in turn was used to develop the critical area regulations incorporated into the SMP.
95. SMP lack of addressing NMFS Biological Opinion (BiOp)	Citizens for Sustainable Development	County continues to allow only minimal restrictions on floodplain development contrary to the NMFS BiOp. Pages 6-7	The county does not agree with this comment. In addition, current regulatory requirements are not relevant to the review of the new proposed SMP.
96. SMP lack of addressing	Citizens for Sustainable Development	County has not conducted thorough on-site reviews of floodplain development	Since the release of the Bi-Op, the county has required an assessment of the habitat impacts from

NMFS Biological Opinion (BiOp)		proposals that address NMFS BiOp standards and objectives. Page 6-7	all proposals in the floodplain. The habitat management plan requirements in SCC 30.62A.460 along with the critical area study requirements in SCC 30.62A.140 provide the same habitat analysis as recommended under the Bi-Op. These cited code provisions (incorporated into the proposed SMP) were adopted by the county in 2007 and are too new to have been instrumental in preventing the need for the Bi-Op  ESA evaluation is only conducted by NMFS when the project has a federal nexus. Otherwise, the county relies on SCC 30.62A, Part 400.
97. SMP lack of addressing NMFS Biological Opinion (BiOp)	Citizens for Sustainable Development	SMP must ensure that no net loss of ecological functions is adhered to by addressing NMFS BiOp alternatives, including individual studies for all floodplain fill projects. Page 8	Since the release of the Bi-Op, the county has required an assessment of the habitat impacts from all proposals in the floodplain.
98. SMP lack of addressing NMFS Biological Opinion (BiOp)	Citizens for Sustainable Development	Failure to incorporate new FEMA FIRM floodplain maps and data. Page 8	The new DFRIMS have not adopted by FEMA. FEMA will be revising the criteria used to develop the new maps and will be re-delineating the flood hazard areas.
99. SMP lack of addressing NMFS Biological Opinion (BiOp)	Citizens for Sustainable Development	Numerous other reports and studies were not incorporated into the SMP process. Issues include climate change and flood frequency studies. See comment letter page 8, Paragraph 5.	The requirement to use “all available information” is precluded by the statement, “shall to the extent feasible”.  The cited reports have all been published after late 2008. Development of the SMP cannot incorporate every new scientific document as it becomes available. There will be opportunity to incorporate new scientific research with the SMP periodic update cycle – now required every eight years instead of every ten.
100. SMP lack	Citizens for Sustainable	SMP doesn’t address important	The SMP incorporates chapter 30.62C SCC –



of addressing NMFS Biological Opinion (BiOp)	Development	groundwater and water pollution studies to protect vulnerable aquifers. See comment letter page 8 (bottom).	Critical Aquifer Recharge Areas. This is based on the groundwater report cited in the comments. Uses are prohibited or limited based on potential for impacts and sensitivity of the aquifer recharge area. Further, the SMP prohibits uses with high potential for water quality impacts in all shoreline environments (SCC 30.67.420) and prohibits or requires a CUP for relatively less impactful uses when proposed in a more sensitive environment designation (SCC 30.67.430).
101. SMP attempts to remove shorelines from shoreline jurisdiction.	Citizens for Sustainable Development	SCC 30.67.410 (2) exempts shorelines from SMP regulations. Specifically development located greater than 200 feet from the ordinary high water mark or floodway of a water body. Page 9	<p>This is an erroneous conclusion based on misinterpretation and misunderstanding of the provisions in the proposed SMP and/or the state statute.</p> <p>The provision in 30.67.410(2) does <i>not</i> exempt areas from regulation under the SMP. This provision excuses development that is located over 200 feet from the water from the requirement to be a water-dependent use. If still located in shoreline jurisdiction (i.e. floodplain but beyond the 200 foot mark), all other SMP provisions still apply.</p>
102. Shoreline stabilization cannot be used to protect agricultural land	Citizens for Sustainable Development	SMP allows shoreline/bank stabilization and flood protect measures to protect agricultural land. This is inconsistent with WAC 173-26- 231 (3) (iii) (B). Page 9-10	Bank stabilization to protect farmlands allows lands to remain in production. This helps to support and preserve the industry as required under GMA. Non-structural bank stabilization measures such as the planting of large trees and the placement of LWD and root balls along the stream banks also improve both riparian and in-stream habitat conditions. As with the county's "Big Trees" projects, the installation of large cottonwoods improves riparian conditions and helps to attenuate flows and capture flood debris thereby reducing

			unfavorable deposits onto productive farmlands.
103. Shoreline stabilization cannot be used to protect agricultural land	Citizens for Sustainable Development	County relies on interpretation of RCW 90.58.065 (1) local ordinances and Goal 8 of the Growth Mgt. Act to justify shoreline stabilization on agriculture lands. Page 10	The county is required to comply with both the SMA and the GMA. Local conditions suggest strong support for the preservation and enhancement of agricultural activities. To comply with critical area regulations for the installation of bank stabilization or flood reduction measures, the applicant must demonstrate the need for stabilization and evaluate the potential effectiveness of non-structural measures. Implementation requires use of best management practices.
104. Shoreline stabilization cannot be used to protect agricultural land	Citizens for Sustainable Development	Snohomish County incorrectly contends that nonstructural shoreline and bank stabilization improves shoreline ecological functions. Page 11	Here's the "nonstructural" portion of the definition from SCC 30.91S.182:  (1) Non-structural. Shoreline and bank stabilization and flood protection accomplished by preventing or removing development in flood, landslide or erosion prone areas or by preserving or enhancing natural hydrological and biological processes. Such measures may include, but are not limited to, setbacks, buffers, bank or riparian revegetation, wetland restoration, dike removal or relocation, biotechnical stabilization measures or elevation of structures.  These measures would likely improve ecological function in an already impaired environment. (See also response #102)
105. Shoreline stabilization cannot be used to protect agricultural land	Citizens for Sustainable Development	SMP misconstrues the meaning on non-structural measures as defined in WAC 173-26- 231 (3) (a) (i). Page 11	See response to comment #104 above.
106. SMP Channel migration zone	Citizens for Sustainable Development	SMP Channel migration zone definition inconsistent with SMP guidelines. Pages 12-13	The CMZ definition is not inconsistent with the SMP guidelines. Refer to CMZ memo from the county to Ecology, dated June 10, 2010 and

definition			included as part of the county's submittal to Ecology in December, 2010 (Submittal 4).
107. SMP Channel migration zone definition	Citizens for Sustainable Development	SMP CMZ definition is limited to high risk channel migration zone areas. page 13	The river segments subject to channel migration are identified in SCC 30.62B.330. This is a comprehensive list of river segments that pose a potential risk. Maps 8A and 8B in the shoreline inventory indicate a varied level of risk associated with the river segments identified based on observed rates of channel movement since the earliest aerial photos in the counties records (approx. 1930's and 1940's).
108. Channel migration zone definition	Citizens for Sustainable Development	County insists it has not mapped the CMZ's even though river migration channels are depicted on its own maps. Page 13	The county does not have maps of the lateral extent of the CMZ. The maps referred to and the code citation referenced only determine which river segments are subject to migration by river mile. Maps 8A and 8B in the shoreline inventory show which portions of the rivers are considered at risk for channel migration. The line width used indicates the level of relative risk based on historical evidence of channel movement. The maps do not represent the full extent of channel movement over the landscape. It should be noted that the Sauk River is not accurately indicated on Map 8B. The Sauk should be shown as a high risk for channel migration similar to the braided reach portion of the Skykomish near Gold Bar.
109. Channel migration zone definition	Citizens for Sustainable Development	There is mapping and studies supporting the presence of a channel migration zone encompassing the entire Tualco Valley, south of Monroe. Bank Erosion in this area is also documented. SMP should recognize this CMZ area. Pages 14-18	This area is recognized as a potential CMZ – see SCC 30.62B.330. The Snoqualmie is a lower risk CMZ, the Skykomish is a moderate risk CMZ in the Tualco Valley. While the county has an idea of risk associated with the rivers in the Tualco valley, the full lateral extent of the potential migration zone has not been mapped. There is no CMZ map

			showing that the entire Tualco Valley is a CMZ. See Maps 8A and 8B.
110. Channel migration zone definition	Citizens for Sustainable Development	SCC 30.91E.160 acknowledges the high risk erosion hazard areas including CMZ's. This is not adequately addressed in the SMP. Page 19	The SMP incorporates SCC 30.62B – including the regulations for erosion hazard areas defined as per SCC 30.91E.160.
111. SMP doesn't include adequate floodplain protection	Citizens for Sustainable Development	SMP fails to adequately restrict development in frequently flooded areas. This is inconsistent with SMA (RCW 90.58.100 (2) (h) and GMA (County Comprehensive Plan). Pg. 19-20	The proposed SMP incorporates chapter 30.65 SCC.
112. SMP doesn't include adequate floodplain protection	Citizens for Sustainable Development	Current County flood codes do not adequately address flood hazards; "floods in the 1990s showed the inadequacies of the current code and its failure to fully address the true flood hazards" – <u>Flood Hazard Management Issues in Snohomish County</u> , August 27, 2001. Pg. 21	County flood codes (SCC 30.65) were updated in 2002, 2003, 2005 and 2007.  New critical area regulations restricting development in the CMZs were adopted in Aug.2007 (effective Oct., 2007).
113. SMP doesn't include adequate floodplain protection	Citizens for Sustainable Development	Present Snohomish County flood data and mapping is inaccurate, which contributes to flawed decision making. Page 21	The county is constantly updating flood and other river data. And working with FEMA to improve data collection, analysis and cooperation.
114. SMP doesn't include adequate floodplain protection	Citizens for Sustainable Development	SMP needs to utilize the updated FEMA FIRM maps to map floodplains and shoreline environment designations. Page 21	The new DFRIMS have not been adopted by FEMA. FEMA will be revising the criteria used to develop the new maps and will be re-delineating the flood hazard areas.
115. SMP doesn't include adequate	Citizens for Sustainable Development	County's reliance on FEMA defined floodway does not provide adequate floodplain protection. FEMA	FEMA is in the process of updating their data and maps. Once adopted, the county will begin using the new information.

floodplain protection		floodplain data is inaccurate and incomplete. Pages 21-25	
116. SMP doesn't include adequate floodplain protection	Citizens for Sustainable Development	FEMA floodway information is designed for more restricted V shaped floodplains unlike the broad floodplains present in the western part of Snohomish County. Pg. 26-27	The county uses a "density fringe" designation in the flood hazards code to apply to the broad floodplains in the lower river valleys. Development in the density fringe is strictly limited.
117. SMP doesn't include adequate floodplain protection	Citizens for Sustainable Development	SMA floodway physical definition supports contention that entire width of Snohomish County floodplains are floodways. pg. 28	The county uses a "density fringe" designation in the flood hazards code to apply to the broad floodplains in the lower river valleys. Development in the density fringe is strictly limited.
118. SMP doesn't include adequate floodplain protection	Citizens for Sustainable Development	SMP should propose more stringent restrictions on floodplain development based in part on the County's Natural Hazards Mitigation Plan. Pg 28	The flood hazard policies and regulations in the proposed SMP are consistent with WAC 173-26-221
119. SMP doesn't include adequate floodplain protection	Citizens for Sustainable Development	SMP needs to implement more stringent restrictions on floodplain development. Due in part to poor oversight by Dept. of Ecology staff and Snohomish County's continued allowance of dangerous floodplain development. Pages 29-30	The flood hazard policies and regulations in the proposed SMP are consistent with WAC 173-26-221
120. Failure to properly regulate floodplain development	Citizens for Sustainable Development	County's failure to properly regulate floodplain development has lead to catastrophic and repeated losses.	<p>County flood codes (SCC 30.65) were updated in 2002, 2003, 2005 and 2007.</p> <p>The county is constantly updating flood and other river data. And working with FEMA to improve data collection, analysis and cooperation.</p> <p>The structures in the examples provided were built in 1920, 1950, 1965, 1967 and 1991, all prior to adoption of flood hazard codes pursuant to the</p>

			GMA.
121. Annual Flooding impacts	Citizens for Sustainable Development	Recent floods in December 2010 and January 2011 are typical floods which annually inundate County shorelines. Pages 31-36	Thank you for your comment.
122. Floodplains overrun by Flood waters on average twice a year.	Citizens for Sustainable Development	Snohomish County Records show many County floodplain areas flood twice a year on average, cutting off and damaging transportation routes. Pages 36-37	Thank you for your comment.
123. Irrelevancy of labels for flood frequency & return intervals	Citizens for Sustainable Development	Both 100 year floods and annual floods tend to cover the entire flood plain of the Snoqualmie and Skykomish valleys. Only difference being depth of inundation. Pages 37-38	Thank you for your comment.
124. Irrelevancy of labels for flood frequency & return intervals	Citizens for Sustainable Development	2005 County Flood insurance Study and US Army Corps of Engineers 1990 report indicated that 100 year floods in the Snohomish, Snoqualmie and Skykomish River valleys occurs more frequently than 100 years. Pages 38-43	Thank you for your comment.
125. Irrelevancy of labels for flood frequency & return intervals	Citizens for Sustainable Development	Snohomish County has minimized the frequency and extent of devastating floods in the County. Page 43-44.	Thank you for your comment.
126. SMP is not based on an accurate and complete assessment of biological functions	Citizens for Sustainable Development	SMP must be based on an accurate and complete assessment of biological functions. SMP fails to incorporate such an assessment. Pg.47 par. 1	The inventory conducted by the county was thorough and complied with the requirements in the SMP guidelines. The document has already been approved by Ecology.
127. SMP is not	Citizens for Sustainable	Section 2.1.1 of the SMP incorrectly	The cited table from the SMP describes how

based on an accurate and complete assessment of biological functions	Development	asserts that some functions are missing or degraded. Specifically flood storage function. Pg.47 Par. 3	functions were rated in the inventory.
128. SMP is not based on an accurate and complete assessment of biological functions	Citizens for Sustainable Development	SMP Table 2 also incorrectly describes adjacent wetlands as missing if they are disconnected from a water body by armoring. Page 47 Par.4	<p>This is an erroneous conclusion based on misinterpretation and misunderstanding of the provisions in the proposed SMP and/or the state statute.</p> <p>Wetlands serve many functions – two functions such as surface water connection and hyporheic connection are likely impaired or missing due to armoring or other disconnections. The rating of “missing” does not necessarily mean that the wetland itself is missing but that the functions performed by the wetland relative to the main shoreline water body are missing.</p>
129. SMP is not based on an accurate and complete assessment of biological functions	Citizens for Sustainable Development	SMP Table 2 also claims that water quality is healthy if a water body is not listed on the TMDL 303 (d) list or State of the Lakes report. Other county studies should be taken into consideration. Pg. 47 Par.5	The inventory conducted by the county was thorough and complied with the requirements in the SMP guidelines. The document has already been approved by Ecology.
130. SMP must restrict mining in conformance with the guidelines	Citizens for Sustainable Development	SMP SCC 30.67.440 (9) & 30.67.540 (2) (d) conflicts with SMP guidelines (WAC 173-26-221(c) (v) in allowing removal of gravel for flood protection purposes without first requiring a biological and geomorphological study. Pages 48-49	The cited provisions are not related to flood control – (1) forest practices are not subject regulation under the SMA unless timber removal thresholds are exceeded. (2) the provisions for removal of annual flood deposits from farmland is not considered mining but rather applies to removal of debris from fields.

131. SMP must restrict mining in conformance with the guidelines	Citizens for Sustainable Development	SMP SCC 30.67.560 (1) (a) (v) would allow mining within a channel migration zone with a shoreline conditional use permit. Conflicts with guidelines, WAC 173-26- 241 (3) (h) (ii) (E). Page 49	The provisions for removal of annual flood deposits from farmland is not considered mining but rather applies to removal of debris from fields.
132. SMP does not adequately protect critical areas in shoreline jurisdiction.	Citizens for Sustainable Development	SMP Sec 1.2.4.1, Policy #5, (conservation and monitoring) dismisses the protection of natural floodplain processes as required under SMA and GMA. Page 50	The SMA supports water-dependent uses and public access. In light of this support, the law acknowledges that perfect protection of ecological functions may not be achievable (RCW 90.58.020). In addition, the SMA requires protection of <i>existing</i> ecological functions. Where functions have been impaired or lost, the protection standards are adjusted accordingly.
133. SMP does not adequately protect critical areas in shoreline jurisdiction.	Citizens for Sustainable Development	SCC 30.67.505 (1) (b) allows manure lagoons to be constructed within in the floodplain. Allowing lagoons within shoreline critical areas creates a health/safety hazard and is not consistent with State critical area protection requirements. Page 50	The standard for critical area protection under GMA is “no net loss of function and values”; the standard under SMA is “no net loss of ecological functions”. Neither statute requires a standard of “no risk”. Manure lagoons are subject to Natural Resource Conservation Service and Department of Ecology design standards. Failures are rare and even the example cited in the comments did not result in significant environmental degradation as reported by Ecology shortly after the event.
134. SMP does not adequately protect critical areas in shoreline jurisdiction.	Citizens for Sustainable Development	County’s natural hazards mitigation plan identifies overtopping as a major cause of dam failures. Yet the SMP allows lagoons to be constructed lower than the height of a 100 year flood event. Page 53.	Manure lagoons are subject to Natural Resource Conservation Service and Department of Ecology design standards. Overtopping during flood events causes some release of effluent from the lagoons but has not resulted in significant environmental contamination given the volume of water is the floodplain during such large flood events.  Ecological impacts associated with manure are typically tied to ground application in excess of the soils absorptive capacity – including those cited in



			the comments. Storage in lagoons allows for a more measured application approach in terms of volume and seasonal conditions.
135. SMP does not adequately protect critical areas in shoreline jurisdiction.	Citizens for Sustainable Development	County's natural hazards mitigation plan identifies lagoons as being susceptible to ground shaking and liquefaction making them more vulnerable to earthquakes. Puget Sound is a seismically active region. Pages 53-57	Manure lagoons are subject to Natural Resource Conservation Service and Department of Ecology design standards.  The county is also supportive of alternative solutions such as manure digesters.
136. SMP does not adequately protect critical areas in shoreline jurisdiction.	Citizens for Sustainable Development	SMP does not include appropriate protections for critical aquifer and groundwater resources. 1996 geo-hydrology study concluded that underlying floodplains have a high vulnerability to contamination. Examples provided. Pages 57-62	The SMP incorporates SCC 30.62C to protect groundwater and critical aquifer recharge areas.
137. SMP must not utilize nebulous timelines	Citizens for Sustainable Development	SMP section 3.2.5.8 (20) allows an open ended timeframe for emergency repair of flood protection structures. Page 63	Permit timelines for emergency repairs are found in SCC 30.44.280.
138. SMP implementation of SMA does not constitute property rights takings	Citizens for Sustainable Development	SMP element 3.1.2.3 discusses potential conflict between implementing shoreline regulations and supporting water dependent, enjoyment or oriented uses. This could result in a property rights taking. Page 63	The commenter has misinterpreted the intent of the cited section of the SMP. SMP Section 3.1.2.3 is <b>not</b> about sacrificing environmental protection in favor of protecting property rights.  The intent of Section 3.1.2.3 is to point out that the goals of the SMA to protect shoreline ecology and support water-dependent uses and public access may not always be compatible and that the RCW 90.58.020 and WAC 173-26-186 acknowledge that regulation alone may not always meet the "no net loss" standard. Where unavoidable impacts may occur, provisions for offsetting measures such as

			mitigation, restoration, acquisition, watershed planning, etc. should be included in the SMP. Section 3.1.2.3 describes how the county has adopted this approach.
139. SMP implementation of SMA does not constitute property rights takings	Citizens for Sustainable Development	Any conflict between SMA's primary purpose of protecting shorelines protecting property rights must be resolved in favor of shoreline protection. Page 63.	See response to comment #138.
140. SMP implementation of SMA does not constitute property rights takings	Citizens for Sustainable Development	Protecting Shorelines of Statewide Significance per the SMA does not constitute an unconstitutional property rights taking. Legal line between unconstitutional taking and land use restrictions is bright. Page 64	See response to comment #138.
141. Use of SMP to justify gratuitous gifting of public funds to private parties	Citizens for Sustainable Development	SMP element 1.2.4.1 policies 17, 18 & 19 calls for the County to gratuitously compensate landowners for SMP regulatory impacts. Recommends replacing above policies with provision on page 65 (top) in comment letter.	Incentives are a common tool used to encourage and compensate land owners for providing environmental protection that benefits the community. Protection of public resources (i.e., rivers, fish and wildlife habitat, Puget Sound) through private actions does result in a public benefit.
142. Use of SMP to justify gratuitous gifting of public funds to private parties	Citizens for Sustainable Development	No SMP/SMA exemptions should be granted on the basis of the "right to farm" ordinance or exemptions related to updated NPDES permit. Page 65	The SMA does not regulate on-going agricultural activities. The SMA and SMP then only apply to new ag activities. The "right-to-farm" provisions in the SMP (contained in the CAO) do <b>not</b> provide an exemption for any ag activities. The "right-to-farm" language is used as the basis for determining which compliance requirement applies, SCC 30.62A.620 or 30.62A.630(2).
143. Miscellaneous	Citizens for Sustainable Development	A) Changing the shoreline designation in the FEMA density fringe zone Harvey	This area is part of the City of Snohomish's UGA and as such is designated as Urban on the SMP

issues regarding the SMP update		Field to one allowing more intensive development, is inconsistent with May 14, 2009 NMFS recommendation to FEMA. Page 65	<p>map. A relatively small portion of this site was designated as Urban Conservancy but has long since been developed as a farm stand and associated parking area and therefore meets the criteria for an Urban rather than an Urban Conservancy designation.</p> <p>The issue regarding FEMA's maps is separate from the SMA/SMP issues and applies to a much larger area. Regardless, the flood hazard area designation on the FEMA maps will still apply and limit the scope, placement and design of future development.</p>
144. Miscellaneous issues regarding the SMP update	Citizens for Sustainable Development	B) SMP should specify that all CAFO sewage lagoons and livestock flood sanctuary pads must be removed from floodplains once decommissioned. Pg.65	This recommendation is more restrictive than the related provisions for flood hazard reduction and fill in WAC 173-26-221(3)(c) and 173-26-231(3)(c) respectively.
145. Miscellaneous issues regarding the SMP update	Citizens for Sustainable Development	C) Any agriculture related fill project must be accompanied with land deed restriction that restricts filled area to only agricultural uses. Page 65-66	The requirements for fill are not limited to agricultural activities and may be necessary as part of an allowed water-dependent use or restoration project.
146. Miscellaneous issues regarding the SMP update	Citizens for Sustainable Development	D) SMP Flood hazard regulations must state that fill used for flood proofing a structure can only be used solely for raising the foot print above BFE. Other uses must be prohibited. Pg. 66.	
147. Miscellaneous issues regarding the SMP update	Citizens for Sustainable Development	E) SMP must limit agricultural composting to compost generated on the farm where compost is placed. Pg. 66.	
148. SMP avoids adoption of substantive flood	Citizens for Sustainable Development	Snohomish County is pursuing the same "impermissible" objectives with the SMP update that are included in its	1. Under the SMP, agricultural activities are as defined in RCW 90.58.065 – note that this definition does not include construction of

plain protection regulations.		recently updated storm water NPDES permit. Focus on exempt agricultural activities, right to farm exemptions and aquifer recharge and well head protection. Pages 66-68	buildings or new roads. Definitions in 30.91A and 30.32B would not apply to the SMP. The definition cited in 30.62.015 is the definition from RCW 90.58.065.  2. Under the SMP, the “right-to-farm” language is not used to define an exemption but rather to determine which compliance option applies. (See also response to comment #142).  3. Ecology reviewed and approved these provisions under the county’s NPDES permit requirements, so the determination of “impermissible” is entirely the opinion of the commenter.  4. Exemptions for agriculture under the NPDES grading and drainage codes do not directly translate to exemptions under the SMP. The SMP applies only to new agricultural activities and exemption from NPDES requirements does not mean exemption from shoreline permits and/or from SMP standards for new agricultural activities.
149. SMP avoids adoption of substantive flood plain protection regulations.	Citizens for Sustainable Development	Dept. Ecology water quality program concerns about Storm water NPDES agriculture/right to farm exemptions. Page 68 and Exhibit #40. <u>Ecology follow-up needed</u>	Ecology expressed concerns that appear to have been addressed as evidenced by Ecology approval of the county’s NPDES code language.
150. Four Letter exchange has no relevance to SMP update	Citizens for Sustainable Development	Comment focuses on county storm water NPDES issues concerning flood hazard permits and fact that 2004 letter exchange between PDS, Ecology and FEMA occurred before the issuance of the NMFS Biological Opinion on FEMA floodplain regulations. Page 68-	Ecology expressed concerns that appear to have been addressed as evidenced by Ecology approval of the county’s NPDES code language.

		69.	
151. Impact of County NPDES permit exemption for activities that only require a flood hazard permit.	Citizens for Sustainable Development	County justifies evading proper application of State NPDES storm water permit by citing right to farm ordinance. Page 69-71.	Ecology expressed concerns that appear to have been addressed as evidenced by Ecology approval of the county's NPDES code language.  Exemptions for agriculture under the NPDES grading and drainage codes do not directly translate to exemptions under the SMP. The SMP applies only to new agricultural activities and exemption from NPDES requirements does not mean exemption from shoreline permits and/or from SMP standards for new agricultural activities.
152. Impact of County NPDES permit exemption for activities that only require a flood hazard permit.	Citizens for Sustainable Development	NPDES requirements exempt agricultural and drainage activities even if they require a flood hazard permit. Page 70, bottom.	See response to comment # 151.
153. Impacts from proposed exemption for activities in floodplains and critical aquifer recharge areas.	Citizens for Sustainable Development	County proposes to exempt drainage facilities, ponds, livestock sanctuaries and waste mgt. facilities, agric. buildings, fences, roads and bridges from permitting, even if located in aquifer recharge areas. page 71	See response to comment # 151.  Under the SMP, SCC 30.62C applies which limits uses in critical aquifer recharge areas.
154. County general policy plan supports adoption of stringent SMP & NPDES regulations	Citizens for Sustainable Development	Snohomish County General Policy Plan supports adherence to environmental protective State and Federal requirements. Various plan provisions cited on page 72.	The stormwater provisions in the SMP are consistent with the requirements in WAC 173-26-221(6) and the policies in the GPP. There are many ways that the SMP directly and indirectly addresses water quality – use limitations, development standards, CAO provisions (including aquifer recharge and flood hazard codes), no net loss

			standard, etc. – in addition to the NPDES requirements. Even when no permit is required, the standards under the SMA and SMP still apply within shoreline jurisdiction.
155. Conclusion	Citizens for Sustainable Development	Citizens for Sustainable Development also agree with and endorse SMP recommendations from Futurewise and Livable Snohomish County Coalition Pg73	Thank you for your comment.
156. Supports recommendations by Futurewise, Pilchuck Audubon and People for Puget Sound	Miya Shoffit  (Note: Comment email received by Ecology on 6/10/11 after close of comment period)	Sustainability of natural resources, rural lands, wildlife and habitat: <ul style="list-style-type: none"> <li>- Limit uses and protect natural character of Natural and Urban Conservancy;</li> <li>- New development must comply with stormwater requirements;</li> <li>- Follow state's guidelines for piers and docks;</li> <li>- Protect and restore native vegetation in buffers; and</li> <li>- Require larger lot widths along non-urban shorelines.</li> </ul>	Thank you for your comments. See responses to Futurewise above, comments #12 – 38.